

19 Dutch strategies for combating child poverty

A child rights-based approach

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Introduction

The Netherlands is one of the wealthiest countries in the world.¹ Nevertheless, according to the Netherlands Institute for Social Research (SCP), the poverty rate amongst children had increased from 8% in 2007 to approximately 11% in 2014.² In 2015, the Committee on the Rights of the Child had expressed its concern with regard to “the substantial increase in poverty among children in the Netherlands, in particular children in single-parent families and children in welfare dependent families.”³ Although the current figures show a decrease in poverty, approximately 8% of the children in the Netherlands lived in poverty in 2018.⁴ Living in poverty affects children’s emotional and social development, and may lead to health problems and social exclusion.⁵ Furthermore, children who grow up in poverty are more likely to experience poverty as adults.⁶

As a state party to the United Nations Convention of the Rights of the Child (CRC), the Dutch government is obliged to follow the mandate of Article 27 to “recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral, and social development.” This right has to be considered in connection with Article 6(2) of the CRC, which obliges state parties to ensure the survival and development of the child to the maximum extent possible.⁷ Furthermore, the right to an adequate standard of living is laid down in several other international conventions,⁸ which the Netherlands has signed and ratified. In other words, the Dutch government is obliged to take measures to combat child poverty. As a result of the above-mentioned concerns, combating child poverty was one of the aims of the Dutch Government Agreement (*regeerakkoord*) in 2017.⁹ The governmental strategy to reach this aim was published in 2018.¹⁰

For many years, economists and social security specialists examined (child) poverty from a predominantly material approach, in which income was taken as a key factor to define poverty and children were not seen as individuals, but as a member of their family or household.¹¹ As such, child poverty was seen as a consequence of family poverty.¹² Therefore, measures to reduce child poverty were, and still are, often aimed at parents, i.e., measures aimed to increase the

involvement of parents in paid labour.¹³ Furthermore, social security for families functions as a safety net for children. However, since the signing of the CRC, children are more often recognized by legislators as individuals with their own rights. Moreover, child poverty is understood as more than a lack of income, and includes deprivation of social services. As a result, the understanding of how to address child poverty has changed over the years from a more material approach to a more child rights-based approach.¹⁴ According to UNICEF, this focus on the child rights-based approach resulted from a “growing recognition that needs-based or service-delivery approaches have failed to substantially reduce child poverty.”¹⁵

A child rights-based approach is derived from the more general human rights-based approach, which is a normative framework to promote and protect human rights. Applying a human rights-based approach means that the norms, standards, and principles of international human rights are integrated in the process of policies and strategies.¹⁶ There is no single human/child rights-based approach. However, common features of most approaches are the linkage to human rights – both in their interrelatedness and interdependency – and the principles of participation, non-discrimination, empowerment, and accountability.¹⁷ Of course, with regard to children, the linkage to children’s human rights and integration of the four main principles of the CRC – the right to life, survival, and development, the right to participate, non-discrimination, and adherence to the best interests of the child – are of importance.¹⁸ Combining a general human rights and more specific child rights approach in a broadly conceived child rights-based approach allows for the implementation of holistic policies that takes children’s rights, the four core principles of the CRC, and empowerment and accountability into account.

The question arises whether the measures taken by the Dutch government to combat child poverty are in line with this broad child rights-based approach. This chapter evaluates the strategies of the Dutch state for combating child poverty in light of a child rights-based approach.

The introductory section describes the international general human rights and specific children’s rights provisions on the right to an adequate standard of living and related rights. This enables a linkage of a poverty policy to children’s rights and to the right to life, survival, and development as fundamental to the CRC. The next section examines the way the principles of participation, non-discrimination, adherence to the best interests of the child, empowerment, and accountability play a role in the human and child rights-based approach. The combination of these two sections provides the criteria for a child rights-based approach to assess poverty reduction policies in the Netherlands. In order to gain some insight into the implementation of the right to an adequate standard of living in the Netherlands, the next section addresses the Dutch legal context and policy aims of the past five years. In the final section, we apply the assessment criteria in order to evaluate the extent to which the Netherlands follows a child rights-based approach concerning the implementation of the right to an adequate standard of living.

International rights on an adequate standard of living for a child

Having an adequate standard of living is a prerequisite for a child's development. The right to an adequate standard of living is laid down in, among others, the following human right documents: Article 25 of the Universal Declaration of Human Rights (UDHR), Article 11 in the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 34 in the Charter of Fundamental Rights of the EU (CFR), Articles 12–14, 16–17 and 30 of the European Social Charter (ESC), and Articles 26–27 in the CRC.

While the UDHR, the ICESCR, and the CFR generally protect the human rights of every person, Article 17 of the ESC also includes specific provisions to guarantee the rights of children and young persons to social, legal, and economic protection. The main aim of this provision is to “ensure the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities.” In addition, Article 30 of the ESC provides for a right to protection against poverty and social exclusion. This right encompasses more than a material safeguard (e.g., through social security), since it includes the positive obligation for states to take measures against social exclusion.¹⁹

Two other main provisions that apply specifically to children are Articles 26 and 27 of the CRC. The right of every child to benefit from social security, including social insurance, is laid down in Article 26 of the CRC. Article 27, paragraph 1 of the CRC recognizes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral, and social development. While there is an overlap between Articles 26 and 27 of the CRC and other human rights instruments with regard to the right to an adequate standard of living, it is clear that these provisions of the CRC translate general human rights to the specific circumstances of children. Article 27 of the CRC, for example, explicitly connects the right to an adequate standard of living as instrumental to the child's broadly formulated development, thus not only including a specific child's right, but relating it also to the fundamental principle of the development of the child.

It is unclear what the right to social security in Article 26 of the CRC entails. The CRC Committee has not yet adopted a General Comment on this right and the *travaux préparatoires* provide little guidance. It only indicates that this Article should be interpreted in line with Article 9 of the ICESCR.²⁰ The latter describes this right as follows:

The right to social security encompasses the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection, *inter alia*, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents.²¹

Interestingly, Article 26 of the CRC implies that children have a direct right to social security, while children are rarely the direct beneficiaries of social security benefits.²² The right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral, and social development provided in Article 27 means that children should not only have a right to a minimum standard of living necessary for a child's physical development, but that they should also have enough means to be able to develop "to the maximum extent"²³ and to their "fullest potential,"²⁴ also with regard to the other aspects of development.²⁵ UNICEF mentions that all kinds of children's rights – like the freedom of expression, the right to information, their rights to enjoy their culture and religion, and rights regarding education – contribute to children's social, moral, mental, and spiritual development.²⁶ Consequently, the adequate standard of living is more than material welfare and an assessment of the implementation of this right "should not be reduced to exclusively economic indicators," but additionally has to identify the conditions that are of importance to the child's development in a holistic sense.²⁷ This includes a safe and healthy local environment, opportunities for forming and maintaining friendships and supportive key adults.²⁸ The broad approach to the child's development right requires the involvement of different parts of government in order to develop an integrated approach of the relevant children's rights.

Although the parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development,²⁹ the state has to take appropriate measures to assist parents and others responsible for the child to implement this right and, in case of need, provide material assistance and support programmes.³⁰ These elements of Article 27 indicate that the assistance of the state should not be limited to financial resources, but should also empower parents or other caretakers with the skills, tools, and information necessary to take responsibility.³¹ Furthermore, the Committee states that the interpretation of Article 27 of the CRC is not limited to measures to assist parents or others responsible for the child, but should be interpreted as to assist children directly.³²

The right to an adequate standard of living is a socio-economic right. Article 4 of the CRC indicates that with regard to economic, social, and cultural rights, states' parties shall undertake all appropriate legislative, administrative, and other measures for implementation to the maximum extent of their available resources and, where needed, within the framework of international cooperation. The CRC Committee has clarified that "regressive measures may only be considered after assessing all other options and ensuring that children are the last to be affected, especially children in vulnerable situations."³³ States must demonstrate that such regressive measures "are necessary, reasonable, proportionate, non-discriminatory, and temporary and that any rights thus affected will be restored as soon as possible."³⁴ The state may choose what measures it takes, so it has some discretion, but these measures should be appropriate and effective to secure the enjoyment of the rights of the child. States need to have a national strategy for the implementation of these rights.³⁵

In summary, in order to provide an adequate standard of living for the child's development, states should have a national strategy that combines appropriate and effective legislative, administrative, and other measures that provide children with more than positive economic indicators. These measures should provide a broad and holistic approach to children's development with a supportive environment that allows for social inclusion and direct assistance to parents and children.

We have focused on two principles of a human/child rights-based approach: an explicit linkage to interrelated human and child rights, with a focus on Article 27 of the CRC and the right to development of the child. In the next section, the remaining principles of a human/child rights-based approach will complement these two principles.

A child rights-based approach

In this section, the principles of participation, empowerment, accountability, non-discrimination, and the best interests of the child will be translated to the context of children and child poverty. In this way, these principles (in addition to the ones discussed in the Introduction) of a child rights-based approach can be used as a framework for the implementation of an anti-child poverty strategy, more specifically of the right to an adequate standard of living of children.

Participation, in the context of Article 12 of the CRC, can be understood as the right of children to express their views freely in all matters that affect them. This right can extend to policy matters, and consequently, children should be involved in the decision-making processes concerning a child poverty strategy.

Closely related to participation is *empowerment*. In terms of empowerment, states have the obligation to take appropriate measures for children who are affected by policies, and to encourage children and others who may have knowledge about children's situations, to participate in the decision-making process related to such policies³⁶ and to provide for effective legal remedies to redress violations of children's rights.³⁷ Such effective remedies relate to the principle of *accountability*, which aims to ensure that the obligations of policymakers are anchored in an accountable relationship with children. States need to safeguard the effective exercise of the rights of the child. Accountability requires mechanisms to ensure the fulfilment of entitlements as well as opportunities to address denials and violations: creating formal (political, administrative, and quasi-judicial) and informal accountability of the state as a duty bearer to children for children's rights.³⁸ This already plays a role in the decision-making processes and may entail, among others, monitoring mechanisms, complaint procedures, civil society organizations that mobilize and empower the demand for accountability, and independent oversight bodies.³⁹

It is often legally impossible for children to claim their rights before the court,⁴⁰ and even if possible, not easy for a child to access justice and enforce the right to an adequate standard of living before the court. However, the CRC Committee has emphasized that states have to ensure "effective, child sensitive

procedures for children and their representatives.”⁴¹ Therefore, Sedletzki argues that independent human rights institutions for children constitute a major instrument to strengthen accountability.⁴² In addition, Graziani states that if “their representatives” is interpreted broadly, a children’s rights NGO could start litigation, although this may have its limitations,⁴³ or file a complaint in the name of children in order to claim their rights.⁴⁴

Relevant for *non-discrimination* in the context of child poverty is that these processes can reinforce each other: discrimination can cause poverty and living in poverty can cause discrimination. This reciprocity should be considered when formulating an anti-poverty strategy. Therefore, stigmatization needs to be prevented. In addition, an anti-poverty strategy must pay special attention to identifying and giving priority to marginalized and disadvantaged groups, such as children with disabilities and refugee children.⁴⁵ Thus, the implementation of non-discrimination requires an “active” approach of the government to create equal chances for children and to eliminate discrimination against certain groups of children.⁴⁶

One of the core principles of the CRC is adherence to *the best interests of the child*. This principle aims to ensure “both the full and effective enjoyment of all the rights recognized in the Convention and the holistic development of the child.”⁴⁷ The concept of the child’s best interests is a threefold concept: it is a substantive right, a fundamental interpretative legal principle, and a rule of procedure. The substantive right entails the right of the child

to have his or her best interests assessed and taken as a primary consideration when different interests are being considered in order to reach a decision on the issue at stake, and the guarantee that this right will be implemented whenever a decision is to be made concerning a child, a group of identified or unidentified children, or children in general.⁴⁸

The legal interpretative principle seems to be included in the child rights-based approach, as these interdependent rights provide the framework for interpretation. For a policy on child poverty and, more specifically, for the implementation of the right to an adequate standard of living, the procedural aspect of the best interests of the child seems to have most relevance. After all, the decision-making process regarding such an implementation policy must include an evaluation of the possible impact – positive or negative – of the decision on the child or children concerned. Furthermore, the justification for a decision should include explicit insight to the fact that the substantive right of the best interests of the child is taken into account and how this is done. According to the CRC Committee, the latter entails that the state explains “what has been considered to be in the child’s best interests; what criteria it is based on; and how the child’s interests have been weighed against other considerations.”⁴⁹

We have discussed a child rights-based approach to a child poverty reduction policy that considers the best interest of the child explicitly and includes the principles of participation, empowerment, accountability and non-discrimination. To

summarize, such an approach must evaluate the possible impact on children, must facilitate children and their representatives to participate in the decision-making process and in child-sensitive procedures, must provide for effective legal redress for violations of children's rights and should give priority to marginalized and disadvantaged groups of children. In order to examine the extent to which these elements of a child rights-based approach are recognizable in the Dutch policy of child poverty reduction, we will first describe the existing Dutch policy and analyse it in light of this child rights-based approach.

National context: The Netherlands

In the Netherlands, the fundamental right to an adequate standard of living is laid down in Article 20 of the Dutch Constitution. Several acts aim to safeguard this right.⁵⁰ However, at the legislative level, children seem to have an indirect right to an adequate standard of living, as a member of a family. The right to social security and the amount of this benefit, for example, depend on the household they are living in. Minors do not have an individual right to social security. The Netherlands made an important reservation towards Article 26 of the CRC, in that the Dutch law shall not imply an independent entitlement of children to social security, including social insurance. The Dutch government states that, in the Netherlands, the right of children to social benefits is adequately safeguarded through their parents or other caretakers.

At the same time, child poverty has a prominent place on the political agenda, both at a national and local level. Due to decentralization, municipalities have a growing responsibility (and discretion) regarding their local poverty strategy. At a national level, combating child poverty was one of the main aims of the Dutch Government Agreement (*regeerakkoord*) in 2017.⁵¹ In the same year, two important advisory reports on child poverty were published in the Netherlands. The first report, *Growing Up Without Poverty (Opgroeien zonder armoede)* was presented by the Social and Economic Council of the Netherlands (SER) and the second report *Creating Opportunities for All Children to Succeed (Alle kinderen kansrijk)* was initiated by the Netherlands' Ombudsman for Children.⁵² As a reaction to the two reports, the government explained its national strategy extensively in a letter to the parliament in 2018⁵³ and examined possibilities to develop qualitative and quantitative poverty-reduction aims. In its letter, the government explicitly refers to its international obligations based on the human rights framework. It aims at reducing child poverty by tackling the structural causes of poverty and announces measures to reduce the negative consequences of poverty, thereby explicitly recognizing the importance of eliminating poverty for the child's development and to enable the child's participation in society.

First, according to the government, the most effective and appropriate strategy is to combat the *structural causes* of child poverty. Therefore, measures are taken to increase parental labour market participation.⁵⁴ The government intends, for example, to increase the difference between receiving the minimum wage and social benefits, which would stimulate parents to work. Furthermore, measures

are taken to minimize the number of parents in debt and to prevent debt. Interestingly, the government hardly mentions the possibility of changing the child benefit policies. It only states that parents with a low income will profit from the increased general child benefit and childcare benefit. However, it is not indicated why other child benefit policies are not considered. This might change in the near future. In 2020, the Netherlands Bureau for Economic Policy Analysis (CPB) published a report in which it describes and analyses approximately 60 policy measures to reduce poverty. In regard to child poverty, not only are there several options to directly increase child benefits, but there are also other policy measures that may reduce child poverty, such as increasing the budget for preschool education and investing in additional language, grammar, and mathematics education for children who lag behind. Furthermore, the CPB analysed the possibility to invest in physical and mental health of children.

Second, the government aims at preventing negative consequences of growing up in a low-income family. It is stressed that children should not be the victim of their parents' financial situation. The primary responsibility to ensure this lies with the Dutch municipalities with the central government supporting them. The focus of the central government is primarily investing in child development and education.

To further the development of children, the government has provided an extra €85 million to municipalities since 2017, specifically for children living in poverty. These resources are intended to provide "child packages," in-kind facilities to children (e.g., sports gear, musical instruments, school equipment, clothing, or transportation) who are currently unable to participate in school, sports, cultural, and social activities due to poverty. The central government has made administrative agreements with the municipalities on how these funds are to be spent. The midterm evaluation in 2018 of this programme showed that nine out of ten municipalities had used the allocated budget.⁵⁵ In 92% of the municipalities, at least part of the budget was spent on the child poverty policy. However, in 55% of the municipalities, part of the funds was also used for more general poverty policies not specifically aimed at children and for other general domains, such as education, sports, or culture. Furthermore, municipalities invested, although indirectly, in the reduction of intergenerational transmission of poverty by providing information and prevention strategies, like healthy lifestyle programmes, debt-prevention courses, and organizing connections with supportive families and buddies in the neighbourhood. While the in-kind services are meant to increase the inclusion of children in fighting poverty, the government also stresses the importance of giving children the opportunity to contribute and discuss anti-poverty policy matters that concern them. The ministry financially supported several projects that actively involve children in the shaping of their local poverty strategy.⁵⁶

Additionally, the national government focuses on education to alleviate poverty. More budget is available to create equal chances through pre-school education. Schools are also viewed as an important place to identify children living in poverty and can play an important role in improving the accessibility

of the target group for poverty reduction. The Secretary of State, together with the Minister for Primary and Secondary Education and Media, will explore how schools, municipalities, and possibly other parties can receive specific support for issues related to poverty that are identified in schools. The government also subsidizes educational projects that focus on promoting the financial skills of children and young people.

Qualitative and quantitative reduction aims

Besides the policy aims mentioned above, the government has developed qualitative and quantitative poverty reduction aims. In April 2019, four aims were formulated:⁵⁷

- 1 All children who live in poverty should be able to participate in social activities in order to develop and to prevent social exclusion. The aim of the government is to reach 100% of the children in families who receive social assistance and 70% of the children who live in a low-income family by 2021 in order to offer them the possibility to apply for a “child package” as mentioned above.
- 2 Reducing the number of low-income households by reducing income taxes and increasing tax credits.
- 3 Providing insight periodically in how children experience poverty, focusing on the obstacles to a promising upbringing, like psychological health, societal isolation, and low literacy.
- 4 Sharing best practices between municipalities on how to combat child poverty and the negative consequences of poverty.

The described aims of the Dutch government give an insight into the priorities and plans, which will be reflected from a child rights-based approach in the following.

A child rights-based approach in the Netherlands

Based on the international child rights provision of Article 27 of the CRC, children have a right to an adequate standard of living, which encompasses the opportunity of children to develop to their full potential. While parents have a primary responsibility towards children, states have a secondary responsibility to respect, protect, and fulfill this right by ensuring an effective anti-poverty strategy. This means that the Dutch government is obliged to take appropriate and effective legislative, administrative, and other measures for implementation of the right of the child to an adequate standard of living. This chapter does not aim at answering the question of whether the measures taken by the central government are effective; however, it is possible to reflect on the question of whether the announced measures are appropriate in the sense that they adhere to the main features of a child rights-based approach. Based on a child rights-based

approach, the implementation of policies should take into account an integrated approach of child rights, the four principles of the CRC – non-discrimination; adherence to the best interests of the child; the right to life, survival, and development; and the right to participate – and the principles of empowerment and accountability.

The Dutch strategy should include an integrated approach to safeguard not only financial welfare, but also the development of the child. The emphasis of the current strategy lies on the structural causes of poverty, aiming at the income positions of parents, and is not directly targeted at children, as should be the case based on Article 26 of the CRC. Since the Netherlands has made a reservation to this Article, the Dutch government is not obliged to safeguard a direct right on social security. Nevertheless, this gives rise to a lot of debate in the Netherlands;⁵⁸ would it make a difference if the Dutch government were to withdraw its reservation? NGOs argue that in certain situations, for example, in the case of children of undocumented residents or children of parents who are evicted, it should be possible for children to have a direct right to social security. At the same time, children are directly addressed in the anti-poverty strategy when it comes to reducing the consequences of living in poverty. The Dutch government seems aware of the fact that living in poverty may affect children's development. Measures are implemented to ensure that all children can participate in social activities, which enables them to experience their environment as safe, supportive, and socially inclusive. Providing for in-kind items for children who are living in poverty might reduce their social exclusion immediately. One must keep in mind, however, that these measures may reduce some of the consequences of poverty but are not a structural solution to prevent poverty. Investing in pre-school education can be regarded as a preventive measure that illustrates both an integrated approach of child's rights in relation to the development of the child and an attempt to create equal chances for children, safeguarding the non-discrimination principle. Educating children of marginalized and disadvantaged groups before the age of four might narrow down the differences between children when they start primary school.

Furthermore, a child rights-based approach would facilitate children and others who are knowledgeable of their situation to participate in the decision-making process. The government documents show an awareness of the rights of children to participate in matters that concern them, including anti-poverty policies. At a central level, a budget is reserved for projects that involve children in shaping local poverty strategies. Municipalities, however, have discretion on how to design their local strategy, and only a limited number of municipalities have children participate in and offer opinions on local poverty strategies.⁵⁹ Nevertheless, as was the case before the new anti-poverty strategy, children might be represented indirectly through organizations like the Dutch Children's Ombudsman or the Dutch National Youth Council (*Nationale Jeugdraad*) that advise the government on the child anti-poverty strategy. It can be concluded that the Dutch government is at least aware of the fact that children should participate in the policymaking process. More research, however, is needed to evaluate the

initiatives that are taken. Do all children have the opportunity to participate? How are their opinions included in the strategies?

As previously mentioned, other important and closely related features of a child rights-based approach are creating accountability and empowerment. In their anti-poverty strategy, no provisions are provided for changing complaint procedures or independent oversight bodies. Nevertheless, several independent oversight bodies exist in the Netherlands that pay attention to the position of children who are living in poverty, such as Children's Ombudsman and The Netherlands Institute for Human Rights. For instance, the report of the Ombudsman was one of the reasons the anti-poverty strategy was intensified. Interestingly, the central government has recently formulated poverty reduction aims,⁶⁰ which could serve as a monitoring mechanism and increase the accountability in the future. However, the question remains how this will work out in practice. Could the government be held legally accountable by others, for example an NGO, for the achievement of the formulated goals? Most probably, the reduction aims serve as a monitoring feature, giving members of parliament and NGOs the opportunity to address the political accountability if the aims are not reached. This could force the government to react and accelerate the process.

To conclude, in the Netherlands the emphasis on governmental anti-poverty strategies still focuses on material welfare by tackling the structural causes of child poverty. Furthermore, money is provided to allow for in-kind items that allow children to participate in society activities which are important for their development. However, it is not clear what effects such measures have on reducing child poverty. More empirical research is needed to evaluate these measures. At the same time, the latest child poverty strategy shows some awareness of the importance of a more holistic and integrated approach of the child's development and the best interests of the child, although the best interests of the child are not considered explicitly in anti-poverty measures. Concrete steps are taken to enhance the participation of children in the policy process and first steps towards accountability are taken by introducing reduction aims. Hopefully, this encourages NGOs to follow up with the aims formulated and take further political, and maybe judicial action, if the aims are not reached. In addition, the government itself should invest in proper monitoring and evaluation of their policies. Only then, can it be determined whether the measures taken are effective in combating child poverty and are in the best interests of the child.

Notes

- 1 Kathrin Brandmeir et al., *Allianz Global Wealth Report*, 55 (2017).
- 2 Measured according to the "modest but adequate" criterion, which means that in addition to a minimum budget to necessary expenditure on unavoidable basis needs, a budget is required for participation, Stella Hoff & Bart Van Hulst, *Armoede bij kinderen en volwassenen in Armoede In Kaart*, 24 (2019).
- 3 UN Committee on the Rights of the Child (CRC), *Concluding Observations on the Fourth Periodic Report of the Netherlands*, U.N. Doc. CRC/C/NDL/CO/4 (2015); UN Committee on Economic, Social and Cultural Rights (CESCR), *Consideration*

- of reports submitted by States Parties under articles 16 and 17 of the Covenant, U.N. Doc. E/C.12/NDL/CO/4-5 (2010); see also, Organisation for Economic Co-operation and Development (OECD), *Poor Children in Rich Countries: Why We Need Policy Action* (2018) (suggesting the Netherlands has an intermediate range of child poverty).
- 4 CBS, *Child Poverty Stable in 2018, Less Long-term Poverty* (Oct. 12, 2019), <https://www.cbs.nl/en-gb/news/2019/50/child-poverty-stable-in-2018-less-long-term-poverty>.
 - 5 Sociaal-Economische Raad (SER), *Opgroeien Zonder Armoede*, 33 (2017).
 - 6 Stella Hoff, *Armoede Onder Kinderen – Een Probleemschets* (2020); Josje den Ridder et al., *De Sociale Staat Van Nederland*, 25 (2020).
 - 7 Asbjørn Eide, *Article 27: The Right to an Adequate Standard of Living*, 17 (Martinus Nijhoff Publishers, 2006); Rachel Hodgkin & Peter Newell, *Implementation Handbook for the Convention on the Rights of the Child*, 93 (2007).
 - 8 See *supra* par. 2.
 - 9 Regeerakkoord, VVD, CDA, D66 & ChristenUnie, *Vertrouwen In De Toekomst (2017–2021)* 27 (2017).
 - 10 *Kamerstukken II*, 24515, nr. 430 (2017–2018).
 - 11 Virginia Morrow, *Child Poverty, Social Exclusion and Children's Rights: A View from the Sociology of Childhood, in Why Care? Children's Rights and Child Poverty*, 36–37 (Wouter Vandenhole et al., eds., 2010).
 - 12 Rita Maria Sousa Fernandes, *A Child Rights Approach to Child Poverty*, 3 (Eurochild, Discussion Paper 2007).
 - 13 Morrow *supra* note 11, at 37.
 - 14 UNICEF, *A Human Rights-based Approach to Education for All*, 9 (2007); College voor de rechten van de mens, *Jaarlijkse Rapportage Mensenrechten in Nederland 2016: armoede, sociale uitsluiting en mensenrechten*, 10–11 (2016).
 - 15 UNICEF, *supra* note 14, at 9.
 - 16 Wouter Vandenhole et al., *Why Care? Children's Rights and Child Poverty*, 23 (2010).
 - 17 *Id.*; see also Office of the United Nations High Commissioner for Human Rights, *Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*, 4–6 (2006).
 - 18 U.N. CRC, *General Comment No. 5 General Measures of Implementation of the Convention on the Rights of the Child*, U.N. Doc. CRC/GC/2003/5 (2003).
 - 19 Eur. Treaty Series No. 163 *Explanatory Report to European Social Charter* (Revised), 12–13 (1996).
 - 20 See U.N. CESCR, *General Comment No. 19 The Right to Social Security (Art. 9 of the Covenant)*, U.N. Doc. E/C.12/GC/19 (2008); Malcolm Langford, *The Right to Social Security, in The UN Convention on the Rights of the Child: A Commentary*, 988–989 (John Tobin ed., 2019); Wouter Vandenhole, *A Commentary on the United Nations Convention on the Rights of the Child, Article 26, The Right to Benefit from Social Security* (2007).
 - 21 *General Comment No. 19, supra* note 20, at § 2. n. 14.
 - 22 Langford, *supra* note 20, at 987.
 - 23 U.N. CRC, art. 6, Nov. 20, 1989, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (hereinafter CRC).
 - 24 *Id.* at art. 29.
 - 25 U.N. CRC, *General Comment No. 20 on the Implementation of the Rights of the Child During Adolescence*, U.N. Doc. CRC/C/GC/20 (2016); Eide, *supra* note 7; Hodgkin *supra* note 7, at 393; see also Noam Peleg, *The Child's Right to Development* (2019).
 - 26 Hodgkin, *supra* note 7, at 395.
 - 27 Aoife Nolan, *Art. 27 The Right to a Standard of Living Adequate for the Child's Development, in The UN Convention on the Rights of the Child: A Commentary*, 1028 (John Tobin ed., 2019).

- 28 See also *General Comment No. 20*, *supra* note 25, at § 17.
- 29 *Id.* at art. 27, par. 2.
- 30 *Id.* at art. 27, par. 3.
- 31 U.N. CRC, *General Comment No. 4 on Adolescent Health and Development in the Context of the Convention on the Rights of the Child*, U.N. Doc. CRC/GC/2003/4 §12 (2003); Nolan, *supra* note 27, at 1045.
- 32 U.N. CRC, *General Comment No. 21 on Children in Street Situations*, U.N. Doc. CRC/C/GC/21 § 49 (2017).
- 33 *General Comment No. 19*, *supra* note 20.
- 34 *Id.* at §28.
- 35 Nolan, *supra* note 27, at 1034.
- 36 *General Comment No. 19*, *supra* note 20, at §31.
- 37 *General Comment No. 5*, *supra* note 18.
- 38 UNICEF, *supra* note 14, at 11.
- 39 The Committee places great importance on accountable, transparent, inclusive, and participative decision-making processes (GC No. 9, §33). Compare for accountability instruments: Vanessa Sedletzki, *Closing the Gap between Social and Formal Accountability: Exploring the Role of Independent Human Rights Institutions for Children*, in *The United Nations Convention on the Rights of the Child: Taking Stock After 25 Years and Looking Ahead*, 169–171 (Ton Liefaard & Julia Sloth-Nielsen eds., 2016); Fernandes, *supra* note 12, at 7.
- 40 Because of their lack of legal capability. According to the Committee on the Rights of the Child, the character of a socioeconomic right (like art. 26 and 27 CRC) does not imply that the right is non-justiciable. UN Committee on the Rights of the Child, *General Comment No. 5*, *supra* note 18 at §25.
- 41 *General Comment No. 5*, *supra* note 18 at §24.
- 42 Sedletzki, *supra* note 39, at 183.
- 43 John Tobin, *The UN Convention on the Rights of the Child: A Commentary*, 117 (2019) (“It tends to be reactive rather than preventive, adversarial rather than conciliatory, excessively legalistic, invariably resource intensive, and often has a focus on addressing individual grievances rather than systemic change.”).
- 44 Laurene Graziani, *Access to Justice: A Fundamental Right for all Children*, in *The United Nations Convention on the Rights of the Child: Taking Stock after 25 years and Looking Ahead*, 125–141 (Ton Liefaard & Julia Sloth-Nielsen eds., 2016). Graziani pays specific attention (on pages 137–138) to the helpful role of NGOs in international human rights law proceedings, e.g., before the European Committee on Social Rights.
- 45 *General Comment No. 5*, *supra* note 18 at § 30.
- 46 Hodgkin, *supra* note 7, at 21.
- 47 U.N. CRC, *General Comment No. 14 On the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration (art. 3, para. 1)*, U.N. Doc. CRC/C/GC/14, §25 (2013).
- 48 *Id.* at §5.
- 49 *Id.*; see also *id.* at § 99 for a Child-rights impact assessment.
- 50 E.g., The Dutch Participation Act and the Social Support Act.
- 51 Regeerakkoord, *supra* note 9.
- 52 SER, *supra* note 5; de Kinderombudsman, *Alle kinderen kansrijk, Van De Ontwikkelingskansen Van Kinderen In Armoede* (2017).
- 53 *Kamerstukken II*, *supra* note 10.
- 54 E.g., measures to strengthen the infrastructure of the labour market regions, which means that municipalities have to work closely together with amongst other employers, employees, educational institutions, and sheltered employment companies.
- 55 Bureau Bartels, *Eerste Evaluatie Van De Bestuurlijke Afspraken Tussen Szw En Vng Over Kinderen In Armoede*, 43 (2018).

56 speaking minds, <https://speakingminds.nl/>.

57 *Kamerstukken II*, 24515, nr. 484 (2018–2019).

58 Tamara van Ark, *Beantwoording Kamervragen* (Jun. 13, 2019).

59 Speaking minds has already consulted children in 43 municipalities (Aug. 28, 2020).

60 *See supra* par. 3, Qualitative and quantitative reduction aims.